

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-307

Maugel Architects Inc.,)
Appellant,)
)
v.)
)
James Kelly and Town of Sudbury,)
Appellees)
)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to render an interpretation of 780 CMR 1021.2 of the Massachusetts State Building Code ("MSBC") concerning the height of an egress stairway guardrail located in 490 Boston Post Road, Sudbury, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on October 5, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Appellant was Alan Popkin. Present and representing the Town of Sudbury Building Department was James Kelly. There was no representative present from the Town of Sudbury Fire Department.

Discussion

A motion was made to uphold the Appellant's interpretation that 780 CMR 1021.2 Exception no. 1 does apply to the guardrail in question. The guardrail height can be reduced to 34 inches. Motion carried 3-0.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.


Conclusion

The Appellant's interpretation of 780 CMR 1201.2 Exception no. 1 is **upheld**.

SO ORDERED.



HARRY SMITH



TIMOTHEE RODRIQUE



BRIAN GALE

DATED: January 5, 2007

**In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*